

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

September 15, 2003

By:



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INFORMATION DISCLOSURE STATEMENT	Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 29936/38063	Serial No. 10/032,687
	Applicants Kim et al.			
	Filing Date December 28, 2001			Group 2822

U.S. PATENT DOCUMENTS							
*Examiner Initials		Document Number	Issue Date	Name	Class	Subclass	Filing Date if Appropriate

FOREIGN PATENT DOCUMENTS								
*Examiner Initials		Document Number	Publication Date	Country	Class	Subclass	Translation	
							Yes	No
	/	99-16514	03-05-1999	Korea				X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
	/	Official Action from Korean Intellectual Property Office dated August 19, 2003, in Korean priority application No. 01-75440 (citing Korean Patent Laid-Open No. 99-6514) (Korean-language).

Examiner	Date Considered
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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PATENT AND TRADEMARK CASES - RULES OF PRACTICE
INFORMATION DISCLOSURE STATEMENT

§ 1.97 FILING OF INFORMATION DISCLOSURE STATEMENT.

(a) In order for an applicant for a patent or for a reissue of a patent to have an information disclosure statement in compliance with § 1.98 considered by the Office during the pendency of the application, ~~the~~ information disclosure statement must satisfy one of paragraphs (b), (c), or (d) of this section.

(b) An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:
 (Revised 5/29/00)

- (1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
- (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; (Revised 5/29/00)
- (3) Before the mailing of a first Office action on the merits; or (Revised 5/29/00)
- (4) Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
 (Added 5/29/00)

(c) An information disclosure statement shall be considered by the Office if filed ~~by the applicant~~ after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of ~~either any of a final action or under § 1.113, or a notice of allowance under § 1.311, whichever occurs first or an action that otherwise closes prosecution in the application, and it is accompanied by either one of:~~

- (1) ~~A~~ The statement as specified in paragraph (e) of this section; or
- (2) The fee set forth in § 1.17(p). (Added 12/1/97)

(d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by: (Revised 12/1/97)

PATENT AND TRADEMARK CASES - RULES OF PRACTICE

- (1) ~~A~~ The statement ~~as~~ specified in paragraph (e) of this section; and
 - (2) ~~A petition requesting consideration of the information disclosure statement; and~~
 - (3) (2) The ~~petition~~ fee set forth in § 1.17(i)(p).
- (e) A statement under this section must state either: (Revised 12/1/97)
- (1) That each item of information contained in the information disclosure statement was first cited in ~~any~~ communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - (2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the ~~statement~~ certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.
- (f) No extensions of time for filing an information disclosure statement are permitted under § 1.136. If a bona fide attempt is made to comply with § 1.98, but part of the required content is inadvertently omitted, additional time may be given to enable full compliance. (Added 3/16/92)
- (g) An information disclosure statement filed in accordance with this section shall not be construed as a representation that a search has been made. (Added 3/16/92)
- (h) The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b). (Added 3/16/92)
- (i) ~~If an information disclosure statements, filed before the grant of a patent, which does not comply with either this section and or § 1.98, it will be placed in the file, but will not be considered by the Office.~~